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published in a "White Pages" telephone directory. Upon Commission approval, a different telecommunications provider may assume the responsibilities identified in this rule.

723-39-5.12.2 Each "White Pages" provider shall cause each competing provider to receive one "White Pages" telephone directory for each access line the competing provider serves in the "White Pages" provider's operating area.

723-39-5.12.3 Each competing telecommunications provider shall, in turn, cause a "White Pages" telephone directory to be delivered to each of its customers (one directory per access line purchased).

723-39-5.12.4 Each telecommunications provider shall be responsible to provide to the "White Pages" provider the information required to adequately list all subscriber's information (i.e. name, address, and telephone number) in the "White Pages" telephone directory. This information will be provided in a mutually agreeable format.

723-39-5.12.5 Each "White Pages" provider shall offer premium listings in its "White Pages" telephone directory to competing telecommunications providers' subscribers.

723-39-5.12.6 Each "White Pages" provider shall provide competing telecommunications providers space in the customer guide pages of the "White Pages" telephone directory for the purpose of notifying customers how to reach competing providers to: (1) request service; (2) contact repair service; (3) dial directory assistance; (4) reach an account representative; (5) request buried cable local service; and, (6) contact the special needs center for customers with disabilities.

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723-39-5.12.7 All parties involved shall abide by the Commission's rules on privacy and the handling of customer proprietary network information.

RULE 4 CCR 723-39-6. ~~UNBUNDLING~~.

723-39-6.1 Each incumbent telecommunications provider shall provide, to any requesting telecommunications provider for the provision of a telecommunications service, nondiscriminatory access to essential facilities or functions. An incumbent telecommunications provider shall provide such unbundled essential facilities or functions in a manner that allows requesting providers to combine such facilities or functions in order to provide such telecommunications service.

723-39-6.2 The following network elements are essential facilities or functions:

- 723-39-6.2.1 Loop;
- 723-39-6.2.2 Local Switching;
- 723-39-6.2.3 Common Transport Links;
- 723-39-6.2.4 Dedicated Transport Links;
- 723-39-6.2.5 Local and Toll Tandem Switching;
- 723-39-6.2.6 Operator Systems;
- 723-39-6.2.7 Signaling Links;
- 723-39-6.2.8 Signal Transfer Points; and
- 723-39-6.2.9 Access to each Service Control Point via Signal Transfer Points.

723-39-6.3 Notwithstanding Rule 6.1 and 6.2, incumbent telecommunications providers are not required to unbundle an element that the provider: (1) does not offer customers as part of a bundled service; or, (2) exclusively offers the element as part of

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a bundled service through buying the element from another provider and reselling it.

723-39-6.4 A facilities-based telecommunications provider that provides the sole loop to a customer's premises shall offer that loop as an unbundled network element. For purposes of this rule, an alternate provider's loop need not be in actual use to be considered a second loop to a customer premises.

723-39-6.5 A detailed record of all requests for unbundling shall be maintained by the providers requesting such unbundling and filed quarterly with the Commission. This information shall contain the name of the requesting person, the date of the request, the specific type of unbundling requested, the provider's planned and actual response date, and the provider's response.

RULE 4 CDR 723-39-7. INFORMATION.

723-39-7.1 Information.

723-39-7.1.1 Except as provided in Rule 9 below, on the first day after the effective date of these rules, each incumbent telecommunications provider shall file with the Commission tariffs effective on thirty days notice that establish rates, terms, and conditions for interconnection.

723-39-7.1.2 Within thirty days after receiving operating authority, each telecommunications provider certified after the effective date of these rules shall file with the Commission tariffs effective on thirty days notice or, if applicable, price lists, that establish rates, terms, and conditions for interconnection.

723-39-7.2 Termination of Local Traffic.

723-39-7.2.1 Except as provided in Rule 9 below, pursuant to Rule 4.8, each telecommunications provider shall, on the

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first day after the time period identified in Rule 4.8, file with the Commission tariffs effective on thirty days notice that establish rates, terms, and conditions for the termination of local exchange traffic.

723-39-7.2.2 Within thirty days after receiving operating authority, each telecommunications provider certified after the period identified in Rule 4.8 concludes shall file tariffs effective on thirty days notice or, if applicable, price lists, with the Commission establishing rates, terms, and conditions for the termination of local exchange traffic.

723-39-7.3 Unbundling.

723-39-7.3.1 Except as provided in Rule 9 below, within 30 days after the effective date of these rules, each incumbent telecommunication provider shall file with the Commission tariffs effective on thirty days notice that establish rates, terms, and conditions for the sale of unbundled network elements.

723-39-7.3.2 Within thirty days after designation as an incumbent provider, each telecommunications provider certified after the effective date of these rules shall file with the Commission tariffs effective on thirty days notice or, if applicable, price lists, that establish rates, terms, and conditions for the sale of unbundled network elements.

723-39-7.4 White Pages.

723-39-7.4.1 Except as provided in Rule 9 below, each "White Pages" provider shall file with the Commission "White Pages" telephone directory tariffs within 30 days of a competing telecommunications provider receipt of operating authority within the provider's operating area. Such tariffs shall establish the rates, terms, and conditions for the transfer of customer information, the publication of "White Pages" telephone directories

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For the competing provider, the publication of customer guide information for the competing provider, and the publication of premium directory listings for the competing provider's customers.

723-39-7.4.2 When determining the just and reasonable rate the "Walla Pages" provider may charge a competing telecommunications provider, the Commission may consider, where applicable, the compensation arrangement that the "Walla Pages" provider has with its publisher.

723-39-7.5 **Tariffs.** Each tariff filed pursuant to this Rule 7 shall be reviewed by the Commission on a case-by-case basis. The telecommunications provider filing the tariff shall have the burden of proving that any proposed rates, terms, or conditions are consistent with the following:

723-39-7.5.1 Rates shall be cost-based, just, and reasonable, and may include a reasonable profit;

723-19-7.5.2 Rates, terms, and conditions shall be nondiscriminatory and competitively neutral;

723-39-7.5.3 Rates, terms, and conditions shall be established to promote a competitive telecommunications marketplace while protecting and maintaining the wide availability of high quality telecommunications service; and,

723-39-7.5.4 Rates shall be designed so that products and services that have been specifically deregulated by statute, rule, or Commission order are not subsidized by products or services that are subject to regulation by the Commission.

723-39-7.6 **RECEIVED**

723-39-7.6.1 As applicable, each telecommunications provider shall input its rates for interconnection, the termination of local traffic, unbundled network elements, and "White Pages" directory listings into the rates of its own services in accordance

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with 4 CCR 723-30 (Rules Prescribing Principles for Costing and Pricing of Regulated Services of Telecommunications Service Providers).

723-39-7.6.2 With respect to imputation associated with the rates for unbundled network elements, imputation shall only be required to the extent the unbundled network element is a bottleneck monopoly input. The fact that an element is defined as an essential facility or function is not conclusive evidence that it is or is not a bottleneck monopoly input.

RULE 4 CCR 723-39-8. ~~NEGOTIATION, MEDIATION, AND ARBITRATION.~~

723-39-8.1 Nothing in Rule 7 shall be construed to limit a telecommunications provider's ability to reach a negotiated, mediated, or arbitrated agreement with respect to the rates, terms, and conditions associated with interconnection, the termination of local traffic, the purchase of an unbundled network element, or publication of a "White Pages" directory. Such agreements shall not be inconsistent with the rates, terms, or conditions contained in a telecommunications provider's currently effective tariff, and will be processed according to the applicable Commission Rules of Practice and Procedure.

723-39-8.2 All agreements for interconnection, the termination of local traffic, the purchase of an unbundled network element, or publication of a "White Pages" directory shall be submitted to the Commission for approval and will be processed according to the applicable Rules of Practice and Procedure.

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RULE 4 CCR 723-39-9. PROVISIONS.

723-39-9.1 Rules 3, 4, 5.4 through 5.10, 5.12, 6, 7, and 8 shall not apply to rural telecommunications providers until: (1) such company has received a bona fide request for interconnection, the termination of local traffic, the purchase of an unbundled network element, or publication of a "White Pages" directory; and, (2) such request is deemed by the Commission to be technically feasible and not unduly economically burdensome.

723-39-9.2 A telecommunications provider making such a bona fide request shall submit a notice of its request to this Commission.

723-39-9.2.1 The Commission shall conduct a hearing for the purpose of determining whether to terminate the rural telecommunications provider's exemption under 9.1.

723-39-9.2.2 The Commission shall determine within 120 days after it receives notice of the request that such termination of the exemption is technically feasible, is not unduly economically burdensome, and is consistent with the state and federal universal service requirements.

723-39-9.2.3 Upon termination of an exemption, the Commission shall establish an implementation schedule for compliance with the request.

723-39-9.3 A rural telecommunications provider with fewer than 2 percent of the nation's subscriber lines installed in the aggregate nationwide may file an application with the Commission for a suspension, modification, or for the specific exemption pursuant to this Rule 9 of certain telephone exchange service facilities specified in such application. The Commission may grant such

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application to the extent it is necessary and for such duration, as it determines:

723-39-9.3.1 (1) to avoid a significant adverse economic impact on users of telecommunications services generally; (2) to avoid imposing a requirement that is unduly economically burdensome; or, (3) to avoid imposing a requirement that is technically unfeasible; and

723-39-9.3.2 is consistent with the public interest, convenience, and necessity.

723-39-9.4 The Commission shall act upon such application filed pursuant to Rule 9.3 within 180 days after its receipt. Pending such action, the Commission may suspend enforcement of the requirement or requirements to which the application applies with respect to the provider or providers filing such application.

RULE 4 CCR 723-39-10. DISPUTE RESOLUTION. At any time when a disagreement arises between providers regarding the provision of interconnection or unbundling under these rules, either party may file a complaint with the Commission.

RULE 4 CCR 723-39-11. VARIANCE OR WAIVER. The Commission may permit a variance or waiver from these rules, if not contrary to law, for good cause shown where compliance is impracticable, impossible, or unreasonable.